

BOARD OF PUBLIC WORKS & SAFETY
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Mayor Charles Henderson called the meeting to order at 6:00 p.m.

PRESENT: Board members Warren Beville, Mayor Henderson, Kevin Hoover;
Clerk-Treasurer Jeannine Myers; City Attorney Shawna Koons-Davis;
and Director of Engineering Paul Peoni.

Mr. Beville moved to accept the minutes of April 6, 2006 as presented. Second was by Mr. Hoover. Vote: Ayes.

Paul Maurer of Maurer Surveying, Inc. represented Kensington Grove, LLC to ask for construction plan approval and accept an off-site sanitary sewer easement. Mr. Peoni confirmed that everything is in order. Mr. Hoover moved to grant approval of the construction plans and accept the off-site sanitary sewer easement in the form presented. Second by Mr. Beville. Vote: Ayes.

Pastor Stephen Rhoades came forward to request release of the Harvest Point at Greenwood performance guarantee. Mr. Peoni recounted that at the September 22, 2005 meeting the Board reduced the original performance guarantee from \$191,326.14 to \$50,000 and acknowledged that the private dirtwork and storm sewers had been completed. He explained that the \$50,000 was to cover the punch list items remaining – minor swale work and parking lot improvement, erosion control, sanitary sewers, street improvements in the public right-of-way and traffic control signs at the Harvest Point site. Mr. Peoni understands that the swale work was to be completed, and erosion control on the swale, but is not complete as of this morning. The Sanitation Superintendent has issued an approval letter on the sewers, but Mr. Peoni noted accepting the sewers requires coming to the Board and receiving as-builts. The sanitary sewers, therefore, have not officially been accepted. The work in the right-of-way was done this weekend, and Mr. Peoni understood that a proof roll was to be done before they placed any stone or pavement. Staff does not know, therefore, if that work is correct. Mr. Peoni indicated that staff requires as-builts for private parking lots in order to ensure that the grades are close to the design and the flow is going where it should. At this point, Mr. Peoni advised that he did not consider the reduced guarantee ready for release. Mr. Beville moved not to release the performance guarantee until the work meets Mr. Peoni's approval. Second by Mr. Hoover. Vote: Ayes.

Ken Zumstein of J. Greg Allen & Associates, for Greenbrooke Park, Block A, Lot 1, requested acceptance of a performance bond for erosion control and acceptance of the Inspection & Testing Agreement (general). They also request a dry detention waiver for Block B. The amount and improvement shown on the performance bond is correct. The City Attorney has approved the form of the bond. Mr. Hoover moved to:

- 1) Accept the Inspection & Testing Agreement for all improvements except sanitary sewers and ratify the payment of the 50% upfront fee.
- 2) Accept performance bond #5019995 in the amount of \$37,367 from Bond Safeguard Insurance Company for the installation of the erosion control at Greenwood Parke, Block "A", Lot #1.

Second by Mr. Beville. Vote: Ayes.

Mr. Zumstein told the Board that the original construction plans showed a detention pond on the south side of the creek. Mr. Zumstein stressed that the dry detention waiver would be a temporary situation. Mr. Peoni told the Board he has done some preliminary review and has no objection as long the dry detention meets all the City requirements. Mr. Hoover moved to grant the dry detention waiver request on a temporary basis for Block "A", to expire with the development of Block "B", with plans subject to approval of the Engineering Department. Second by Mr. Beville. Vote: Ayes.

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Attorney Stephen Huddleston represented Sam's Club Fueling Station (South Park Business Center, Block B, Re-Plat Lot #1) to request execution of the final plat. Mr. Peoni told the Board that he has started review of the plat and there appear to be some revisions that are needed. Mr. Hoover moved to:

- 1) Execute the final plat, subject to:
 - a. Final review and approval of the plat by the Engineering and Planning departments.

Second by Mr. Beville. Vote: Ayes.

For Providence Green, Section 2 Bruce Fagan of Centex Homes approached the Board to ask for acceptance of dirtwork and storm sewers, acceptance of those maintenance bonds and the release of the performance bonds. Per Mr. Peoni, a final field inspection shows that the dirtwork and storm sewers appear to have been satisfactorily installed. The amount and improvement shown on the maintenance bond is correct. The City Attorney has approved the form of the bond. The Engineering Department has received acceptable paper as-builts. Mr. Beville moved to:

- 1) Accept the dirtwork and storm sewers at Providence Green, Section 2.
- 2) Accept three (3) year maintenance bond #6389609-1 in the amount of \$30,882 from Safeco Insurance Company of America for the dirtwork and storm sewers at Providence Green, Section 2.
- 3) Release performance bond #6389609 in the amount of \$154,407 from Safeco Insurance Company of America for the installation of the dirtwork and storm sewers at Providence Green, Section 2, subject to:
 - a. Receipt of final mylar as-builts.

Second by Mr. Hoover. Vote: Ayes.

Mr. Fagan had an identical request for Providence Green, Section 3. Again, Mr. Peoni confirmed that a final field inspection shows that the dirtwork and storm sewers appear to have been satisfactorily installed. The amount and improvement shown on the bond is correct. The City Attorney has approved the form of the bond. The Engineering Department has received acceptable paper as-builts. Mr. Hoover moved to:

- 1) Accept the dirtwork and storm sewers at Providence Green, Section 3.
- 2) Accept three (3) year maintenance bond #6389611-1 in the amount of \$26,801 from Safeco Insurance Company of America for the dirtwork and storm sewers at Providence Green, Section 3.
- 3) Release performance bond #6389611 in the amount of \$134,005 from Safeco Insurance Company of America for the installation of the dirtwork and storm sewers at Providence Green, Section 3, subject to:
 - a. Receipt of final mylar as-builts.

Second by Mr. Beville. Vote: Ayes.

Providence Green, Section 4 again had the same request for dirtwork and storm sewers, noted Mr. Fagan. Mr. Peoni indicated that the improvements being asked for acceptance appear to have been satisfactorily installed. The amount and improvement shown on the maintenance bond is correct, and the City Attorney has approved the form of the bond. Minor revisions are needed on the as-builts. Mr. Beville moved to:

- 1) Accept the dirtwork and storm sewers at Providence Green, Section 4.
- 2) Accept three (3) year maintenance bond #6389614-1 in the amount of \$22,318 from Safeco Insurance Company of America for the dirtwork and storm sewers at Providence Green, Section 4.
- 3) Release performance bond #6389614 in the amount of \$111,587 from Safeco Insurance Company of America for the installation of the dirtwork and storm sewers at Providence Green, Section 4, subject to:
 - a. Receipt and final review and approval of the mylar as-builts.

Second by Mr. Hoover. Vote: Ayes.

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From the audience, Fire Chief Steve Dhondt approached the Board to discuss the insurance package quotes for the Fire Department. Per the Chief's handout, only two insurance underwriters specialize in writing fire department packages. He had quotes from an agency representing each of them. ESIP is the carrier for the Jones Insurance Agency. Their premium cost was \$27,596. VFIS, the carrier for Gregory & Appel, had a premium cost of \$31,342. The difference is \$3,746. Chief Dhondt recommended accepting the quote from Gregory & Appel utilizing VFIS as the underwriter starting with coverage on April 23, 2006 through April 23, 2007. He cited considerable additional resources in risk management and risk control services offered directly to the Greenwood Fire Department, which benefit us in preventing claims. Gregory & Appel also brings more stability as an agency. Mr. Beville moved to accept the quote from Gregory & Appel, utilizing VFIS, at a cost of \$31,342. Second by Mr. Hoover. Vote: Ayes.

Chief Dhondt next addressed the adopting of a resolution to adopt the National Incident Management System (NIMS), in order to continue to receive Federal funding. Mr. Hoover moved to adopt Board of Works Resolution No. 06-01, "A Resolution Adopting the National Incident Management System (NIMS)". Second by Mr. Beville. Vote: Ayes.

On her Status of Tasks, Ms. Koons-Davis presented a Uniform Conflict of Interest Disclosure Statement from:

- 1) Tom Merrick, part-time Code Enforcement Officer, for any interest he might have in the earnings of Marsha L. Merrick, who will also be working part-time for the City.
- 2) Marsha Merrick, for her husband, Tom Merrick, for any interest she might have in his earnings.

Mr. Hoover moved to accept the Uniform Conflict of Interest Disclosure Statements as described. Second by Mr. Beville. Vote: Ayes.

On his Status of Tasks, Mr. Peoni first discussed a contract with Butler, Fairman and Seufert for design and surveying services for the Tracy Ditch Trails. The Law Department has prepared a contract not-to-exceed \$212,000, and Mr. Peoni understands that this has been approved by the Parks Board. Counsel confirmed that the Parks Board delegated responsibility to the Board of Works to oversee this, and Mr. Peoni noted he understands that this will come out of Park Impact Fees. Mr. Hoover moved to approve the contract as prepared by the City Attorney and authorize the Mayor to sign. Second by Mr. Beville. Vote: Ayes.

Next Mr. Peoni described land donation from Ohio Properties near Greenwood Center (formerly Wilgro) – 1) east of the existing center, the grass area across from the Craig Park entrance, 2) on the east side of Madison from Smith Valley Road to Mercator and 3) a portion along the north side of Mercator, which was built outside the right-of-way years ago. Mr. Peoni noted this is being donated for public use for trails, pathways, sidewalks or any other use we deem necessary. Mr. Hoover moved to direct staff to prepare the appropriate donation documents and authorize anyone necessary to sign those. Second by Mr. Beville. Vote: Ayes.

Mr. Peoni next discussed an invoice from Cinergy. Prior to starting the Northern Park project some light poles needed to be taken down and then reset. The cost for this work is \$14,396. Mr. Peoni will get a more detailed breakdown, but he believes the invoice is for 13 or 14 poles. Mr. Beville moved to authorize payment of the invoice. Second by Mr. Hoover. Vote: Ayes.

The developer of Ashton Park Subdivision, off of Averitt Road, has asked that the performance bond for erosion control be released. It was accepted in 1997. Everything in the field seems fine, said Mr. Peoni. They also asked that the

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Board waive the maintenance bond, since the performance bond was accepted about nine years ago. Mr. Beville moved to release the erosion control bond #110632 in the amount of \$7,081.80 for Ashton Park Subdivision and waive the requirement for a maintenance bond. Second by Mr. Hoover. Vote: Ayes.

Mr. Beville moved that the claims be accepted as presented through April 20th. Second by Mr. Hoover. Vote: Ayes.

With no further business, the meeting adjourned at 6:30 p.m.

Charles E. Henderson, Mayor

Jeannine Myers, Clerk-Treasurer